

PATENTS
CAP-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION

Applicants : George C. Crane

Application No. : 09/736,070 Confirmation No. : 7720

Filed : December 13, 2000

For : APPARATUS AND METHOD FOR
ASSESSING MARKET CONDITIONS

Group Art Unit : 2164

RECEIVED

APR 03 2003

Examiner : Kelly Scaggs Campen

OFFICE OF PETITIONS

New York, New York 10020
April 2, 2003

Box DAC
Hon. Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.137(b,f) FOR REVIVAL
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b,f), applicant hereby petitions for revival of the above-identified patent application, which may have become abandoned because the above-identified patent application was filed under a multilateral international agreement that requires publication of applications eighteen months after filing and applicant unintentionally may have failed to notify the Patent and Trademark Office of that foreign filing within forty-five days thereof.

37 C.F.R. § 1.137(b)(1)

This petition is accompanied by a notification under 37 C.F.R. § 1.213(c) that the above-identified patent application was filed under a multilateral international

agreement that requires publication of applications eighteen months after filing.

37 C.F.R. § 1.137(b)(2)

A check in the amount of \$650.00, in payment of the petition fee set forth in 37 C.F.R. § 1.17(m), is enclosed herewith. The Director is hereby authorized to charge any additional fee that may be due, or the credit any overpayment, in connection with this Petition, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

37 C.F.R. § 1.137(b)(3)

Any delay in notifying the Patent and Trademark Office that the above-identified patent application was filed under a multilateral international agreement that requires publication of applications eighteen months after filing, including the delay in filing this petition, was unintentional.

Applicant filed a Rescission Under 37 C.F.R. § 1.213(b) Of Nonpublication Request on October 24, 2001, prior to the earliest foreign filing (December 13, 2001) of the above-identified patent application. The Rescission was filed in a format based on the original Patent and Trademark Office form for such rescissions, which did not include a notification that foreign filing had occurred (and indeed, at the time of filing the rescission, foreign filing had not yet occurred).

Applicant understood, based on the original Patent and Trademark Office form, that filing of the rescission met the requirement for notifying the Patent and Trademark Office that foreign filing had occurred.

The undersigned learned on March 31, 2003 that the Patent and Trademark Office had changed its form for rescission of a nonpublication request to include an explicit notification of foreign filing, and that under the Patent and Trademark Office's current interpretation of 37 C.F.R. § 1.213(c), the mere rescission of a

nonpublication request does not satisfy the requirement that the Patent and Trademark Office be notified that an application in which a nonpublication request had been filed has been filed in a foreign country that publishes applications after eighteen months. In view of that interpretation, applicant in an abundance of caution has prepared and are filing this Petition immediately.

Request for Retroactive Effect

Applicant further respectfully requests that revival of the above-identified patent application be granted retroactively to January 27, 2002, the date that is forty-five days after the earliest foreign filing.

Conclusion

Prompt grant of this petition is respectfully requested.

Respectfully submitted,


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NOTIFICATION UNDER 37 C.F.R. § 1.213(c)
OF FOREIGN FILING OF PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.213(c), applicant hereby notifies the Patent and Trademark Office that the above-identified patent application was filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing.

The earliest such filing occurred on December 13, 2001, which is more than forty-five days prior to this notification. A petition under 37 C.F.R. § 1.137(b,f) to

revive this application is being filed concurrently
herewith.

Respectfully submitted,



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